

REMARKS

Claims 1-21 were examined in Office Action of February 2, 2005 and rejected as anticipated by EP0353025. Claims 3 and 4 are now cancelled. Reconsideration of the rejection is respectfully requested relative to pending claims 1, 2 and 5-21, in view of the amendments and the remarks which follow.

A. Claims 1, 2 and 5-21, as Amended, are Distinguishable for EP0353025.

Claim 1 has been amended to include limitations of previously pending claims 3 and 4 and now recite an apparatus which includes:

- a sample is presented to an instrument, the apparatus comprising:
 - a first component which includes
 - a first optical chamber having a first inlet, and**
 - a second optical chamber having a second inlet;**
 - a second component which includes
 - an inlet port accommodating a filter means or a binder retaining means; and
 - a third component which includes
 - a sample receiving chamber, and
 - at least one other chamber adapted to contain an eluting medium,
- wherein **said second component is slidably disposed** below the sample receiving chamber of said third component and **above the optical chambers of the first component**, said inlet port being movable relative to each of said first and second inlets and thereby brought into liquid communication with each inlet in turn along a linear path.

Simply put, the apparatus of the present invention includes **optical chambers disposed below the inlet port and the filter or binder retaining means.**

This allows the reacted sample **in the optical chambers** of the present invention to be read by the instrument recited in the preamble of claim 1—for example, the spectrophotometer in the specification at page 10, line 6.

In contrast, EP0353025 fails to teach (1) optical chambers generally; or (2) more specifically, optical chambers disposed **below** an inlet port and **below** a filter means. Rather, EP0353025 teaches at col. 2, lines 35-36 that “the results are easily read from a color change **on the filter**” and at col. 5, lines 37-38 “The labeled antibodies so trapped **on the filter** are then caused to react to produce a detectable signal.” These changes to the filter are viewed through **wells 52a, 52b and 52c positioned over the filters** (see FIGS. 2, 3A and 3B).

Thus, claim 1 of the present invention is patentably distinguishable over EP0353025. Claims 2 and 5-21, which all include the distinguishing features relating to the optical chambers of claim 1 through dependency, are likewise patentably distinguishable over EP0353025.

B. Petition for 2-Month Extension and Claim of Small Entity Status.

The undersigned hereby petitions for a 2-month extension to extend the period for response to the February 2, 2005 Office Action, original set for May 2, 2005, to July 2, 2005. Since the period for response falls on a Saturday, and Monday, July 4, 2005, was a federal holiday, the present response is timely filed on Tuesday, July 5, 2005. Applicant also now claims small entity status is application to this application, and the Office may charge the small entity 2-month extension fee and any other fee associated with this filing) may be charged to Deposit Account No. 50-1123.

Should any questions remain, please contact the undersigned by telephone.

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Respectfully submitted,



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